

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING MOTION FOR RECONSIDERATION
FILED BY WARREN T. DUNCAN (DOCKET # 11506)**

This case is before the Court on the motion filed by Warren T. Duncan on August 30, 2016, entitled "Motion for Reconsideration of the order# 11480 Granting Stipulation for Resolution of Objection to Claim number 3345 filed by Warren T. Duncan." (Docket # 11506, the "Motion"). The Court construes the Motion as a motion for reconsideration of, and for relief from, the August 26, 2016 Order entitled "Order Approving Stipulation Resolving Objection to Claim Number 3345 filed by Warren T. Duncan and Allowing Claim Number 3345 in a Reduced Amount" (Docket # 11480, the "August 26, 2016 Order"). The Motion must be denied, for the following reasons.

The Court finds that the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), Fed.R.Bankr.P. 9024, or any other valid ground for relief from the August 26, 2016 Order.

In addition, the Court notes the following. The Motion is incorrect, as a matter of law, in asserting that "the Creditor's Claim may and should include the fiscal years of 2013-14 and 2014-15[,] . . . since the Creditor has continued to be employed by the Debtor during this time of the bankruptcy court action." For the reasons the Court explained at length and repeatedly on the record during the hearing held on August 31, 2016, only claims that arose during the time period **before** the City filed its bankruptcy petition on July 18, 2013 may be allowed claims in this bankruptcy case. As a result, no allowed claim may be granted in this bankruptcy case based on salary reductions for any time period after July 18, 2013. And any post-petition claim was not discharged by the confirmed plan of adjustment in this bankruptcy case.

IT IS ORDERED that the Motion is denied.

Signed on September 2, 2016

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge